(1) S.B.CIVIL WRIT PETITION NO.2347/2006
Shamim Bano Vs. Secretary, Department of Urban Development & ors

(2) S.B.CIVIL WRIT PETITION NO.2348/2006
Vandana Nadola Vs. Secretary, Department of Urban Development & ors

Date of order : 12th May 2006

HON'BLE MR.JUSTICE DINESH MAHESHWARI

Mr.D.S.Rathore for the petitioners

Both these writ petitions involving common questions and similar facts were heard together and are being disposed of by this common order.

The petitioners in these writ petitions assert that they had applied for allotment of residential houses under Valmiki Ambedkar Malin Basti Awasiya Yojna by depositing the required amount. The grievance of the petitioners is that the respondents have proceeded with the allotment process depriving several rightful claimants including the petitioners of their rights to get allotted the houses and have failed to maintain transparency and have proceeded to manipulate the entire process. The petitioners have sought directions to the respondents to re-evaluate the allotment process; for quashing of the list of allottees (Annex.3); for consideration of candidature of the petitioners afresh; for adherence by the respondents to eligibility criteria and parameters; and to allot the houses to the petitioners in preference as per their eligibility.

On being questioned about the petitioners having at all served any notice on the respondents before approaching this Court seeking mandamus, learned counsel for the petitioners frankly conceded that the petitioners have not served any notice/representation before filing the writ petition; however, learned counsel attempted to rely on a newspaper report submitted in the writ petition as Annex.4 to submit that various irregularities in the allotment process have come to fore.

This Court is clearly of opinion that so far the petitioners are concerned, if at all they allege existence of any legal right of allotment and its infringement because of they having not been selected, in view of the questions sought to be posed, it was minimum required of the petitioners before filing such a petition to have served a notice/representation on the authorities concerned and to have permitted them to take appropriate decision thereupon.

These writ petitions giving rise to such questions which would require enquiry into the facts, and that too without the petitioners having served any notice/representation, in the opinion of this Court, cannot be entertained as framed. The petitions are, therefore, rejected.

(DINESH MAHESHWARI),J.

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S.B.CIVIL WRIT PETITION NO.2348/2006
Vandana Nadola Vs. Secretary, Department of Urban Development & ors

Date of order : 12th May 2006

HON'BLE MR.JUSTICE DINESH MAHESHWARI

Mr.D.S.Rathore for the petitioner

In view of the order passed today in S.B.Civil Writ Petition No. 2347/2006 (Shamim Bano Vs. Secretary, Department of Urban Development & ors), the present writ petition stands dismissed.

BY ORDER,

COURT MASTER